

**HOUSE CHILDREN AND FAMILY AFFAIRS**

**Amendment No. \_1**

**1 to HB1334**  
**Signature of Sponsor**

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

**AMEND Senate Bill No. 899\***

**House Bill No. 1334**

By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 36-6-413, is amended by deleting subsection (b) in its entirety and substituting instead the following:

(b)(1) The court may direct that all or part of the cost of court-ordered mediation, education and any related services to resolve family conflict in divorce and post-divorce matters shall be paid from all available federal, state, and local funds. Eligibility for receipt of such funds will be based on a sliding scale based on a person's ability to pay.

(2) The fee charged for each marriage license issued in the state shall be increased by a total of sixty-two dollars and fifty cents (\$62.50) for couples who do not complete a premarital preparation course pursuant to §(b)(3). This fee shall be collected upon receipt of the application for the issuance of a marriage license. This fee shall be apportioned as follows:

(A) A portion of this fee to equal thirty dollars (\$30.00) shall be directed to the administrative offices of the courts for the specific purpose of funding the parenting plan requirements pursuant to this part, through the divorcing parent education and mediation fund, which funding includes the creation of parenting plan coordinators to service judicial districts, costs of court-ordered mediation, parenting education programs and any related services to resolve family conflict in divorce and post-divorce matters.

(i) Parenting plan coordinators to service judicial districts funded under this fee shall be placed in the offices of the clerks of the court of the

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judicial district of the state and shall be employees of the clerks of the court.

(ii) The clerks of the court in each judicial district may apply to the administrative office of the courts for funding for such parenting plan coordinators to service judicial districts, costs of court-ordered mediation, parenting education programs, and any related services to resolve family conflict in divorce and post-divorce matters. The funds available to the clerks of the courts shall be made available for all judicial districts.

(iii) Upon proper application by the clerk of court in any judicial district, the administrative office of the courts shall make available to the clerk of the court funds necessary for hiring and paying a parenting plan coordinator for use by that clerk of court. The duties of the parenting plan coordinator shall include assisting parents with obtaining information necessary to complete a parenting plan, assisting parents in locating parenting education providers and mediators, assisting the court with tracking the attendance of parents at education seminars and mediations, assisting the court with the determination of the filing of necessary papers to complete the divorce or post-divorce process, and any other duties deemed necessary for the implementation of the parenting plan requirements of this part. In addition, the administrative office of the courts shall make available to the clerk of the court funds necessary for costs of court-ordered mediation, parenting education programs, and any

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related services to resolve family conflict in divorce and port-divorce matters.

(B) The county court clerk shall receive a fee of \$2.50 for receiving the application for issuance of a marriage license and for processing parenting plan documents required under this section.

(C) Fifteen dollars (\$15.00) shall be directed to the department of children's services for child abuse prevention services.

(D) In addition to the privilege tax on marriage licenses under §67-4-505, fifteen dollars (\$15.00) shall be directed to the office of criminal justice programs for domestic violence services.

(3) A man and a woman who intend to apply for a marriage license, pursuant to title 36, chapter 3, part 1, may, together or separately, complete a premarital preparation course of not less than four (4) hours each. Each individual shall verify completion of the course by filing with the application a valid certificate of completion from the course provider, which certificate shall specify whether the course was completed by personal instruction, videotape instruction, instruction via other electronic medium, or a combination of those methods. Their course provider must issue all individuals who complete a premarital preparation course pursuant to this section, a certificate of completion at the conclusion of the course.

(A) The premarital preparation course may include instruction regarding:

(i) Conflict management.

(ii) Communication skills.

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(iii) Financial responsibilities.

(iv) Children and parenting responsibilities.

(v) Data compiled from available information relating to problems reported by married couples that seek marital or individual counseling.

(B) All individuals who participate in a premarital preparation course shall choose from the following list of qualified instructors:

(i) A psychologist as defined under § 63-11-203;

(ii) A clinical social worker as defined in Tennessee Code Annotated, Title 63, Chapter 23, Part 1;

(iii) A licensed marital and family therapist as defined in § 63-22-115;

(iv) An official representative of a religious institution, which is recognized under § 63-22-204; or

(v) Any other provider approved by a judicial district. Each judicial district may establish a roster of area course providers, including those who offer the course on a sliding scale fee scale or for free.

(C) Each premarital preparation course provider shall furnish each participant who completes the course with a certificate of completion specifying the name of the participant and the date of completion and whether the course was conducted by personal instruction, videotape instruction, or instruction via other electronic medium, or by a combination of these methods.

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(D) All area providers shall register with the county clerk by filing an affidavit, in writing, attesting to the provider's compliance with the premarital preparation course requirements as set forth in this section and including the course instructor's name and qualifications, including the license number, if any, or, if an official representative of a religious institution, a statement as to relevant training. The affidavit shall also include the addresses where the provider may be contacted.

(E) The fee charged for each marriage license issued in the state shall be reduced by a sum of sixty-two dollars and fifty cents (\$62.50) for all couples who present valid certificates of completion of a premarital preparation course from a qualified course provider registered under the above statutes for a course taken no more than one (1) year prior to the date of application for a marriage license. For each license issued that is subject to the fee reduction of this subdivision, the clerk shall not collect or transfer the amounts otherwise required under (b)(2), provided, however, that the county court clerk may retain for the two dollar and fifty cents (\$2.50) processing fee authorized under (b)(2)(B).

(4) Any moneys collected under this section during the pilot program and not expended shall remain in the divorcing parent and mediation fund established by the state treasurer within the general fund for use by the administrative office of the courts, consistent with subdivision (b)(2)(A). No moneys collected under this section shall revert to the general fund of the state, but shall remain available exclusively as specified in this section.

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(5) In addition to other fees authorized by this section, court clerks shall be entitled to normal copying fees, not to exceed fifty cents (\$.50) per page, for providing copies of documents necessary for parenting plans.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.